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TOWNSEND AND TOWNSEND AND CREW, LLP
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OFFICE OF PETITIONS

In re Application of :
VanFleet et al. :
Application No. 10/825,971 : ON PETITION
Filed: 16 April, 2004 :
Atty Dckt No. 020375-050000US :

This is a decision on the renewed petitions filed on 19 September, 2005, under 37 CFR 1.47(a) and 1.48(a)(1) which is being treated as (a) a petition under 37 CFR 1.48(a)(1) requesting that a person be added as inventor and (b) a petition under 37 CFR 1.183 requesting waiver of 37 CFR 1.63 and 1.67, which require that a named inventor execute a supplemental declaration.

The petition under 37 CFR 1.48(a) is **GRANTED**.

The petition under 37 CFR 1.183 is **DISMISSED AS MOOT**.

On 16 April, 2004, the above-identified application was filed without an executed declaration. On 30 August, 2004, a declaration under 37 CFR 1.63 was filed naming Steven VanFleet, John J. Mascavage, Margaret Weichert, Matthew T. Byrne, Diane Wing, and Cassandra J. Mollett as joint inventors.

On 17 June, 2005, petitions were filed, whereby petitioners seek to add Blake Benton, Timothy Horton, Susan M. Nelson, SuZanne Rogers, Rhonda D. Sargent, Martin Stivers, and Gary J. Trainor as joint inventors. Petitioners concurrently filed a petition stating that joint inventor Mascavage cannot be located to sign the declaration naming the actual inventors as required by 37 CFR 1.48(a)(3). The petitions were dismissed on 19 July, 2005.

On 19 September, 2005, the present request for reconsideration was filed. Petitioners have now provided a declaration signed by joint inventor Mascavage, and have stated that while the original declaration incorrectly listed joint inventor Mascavage's full name as "John J. Mascavage," his name is "John J. Mascavage,

III." Petitioners have also provided a consent of the assignee signed by Ken Algiene, Vice President of assignee First Data Corporation.

Petition Under 37 CFR 1.48(a)

37 CFR 1.48(a) requires that an amendment to the named inventive entity be accompanied by:

(1) a petition including a statement from each person being added and each person being deleted as an inventor that the error occurred without deceptive intention on his or her part;

(2) an oath or declaration by each actual inventor or inventors as required by 37 CFR 1.63 or as permitted by 37 CFR 1.42, 1.43 or 1.47;

(3) the fee set forth in 37 CFR 1.17(i), and

(4) the written consent of any existing assignee, if any of the originally named inventors has executed an assignment.

As the required items have now been provided, the petition under 37 CFR 1.48(a) is granted.


Petition Under 37 CFR 1.183.

As joint inventor Mascavage has now signed the supplemental declaration, the petition under 37 CFR 1.183 is unnecessary and therefore will be dismissed as moot.

A corrected Filing Receipt, listing the inventive entity, is enclosed for petitioner's records.

The application will be referred to Technology Center Art Unit 3621 for further processing.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.


Douglas I. Wood
Senior Petitions Attorney
Office of Petitions